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SUBJECT: MAY 17 SESSION OF GRANVILLE/ABBAS MURDER TRIAL

¶1. (SBU) SUMMARY: On May 17, 2009, four U.S. Embassy Foreign Service National (FSN) employees from the Regional Security Office, Political/Economic and Public Affairs sections attended the trial of five Sudanese men accused in the January 1, 2008 murders of USAID Officer John Granville and FSN driver Abdelrahman Abbas. The prosecution cross-examined the defense witness, Captain Mohamed Abdelgadir, a former weapons expert in the Sudanese Armed Forces (SAF). Abdelgadir refuted the police investigation reports so the judge will have a third weapons expert examine the evidence and present his findings to the court at the next trial session scheduled for May 21, 2009. END SUMMARY.

¶2. (U) The trial of the five Sudanese men accused of the January 1, 2008 terrorist murders of USAID Officer John Granville and FSN driver Abdelrahman Abbas continued on May 17, 2009. The prosecution was represented by Chair Mohamed Mustafa Musa, Granville family attorney Taha Ibrahim and Abbas family attorney Ismail Abu Sugra. The defense was represented by deputy defense Chair Adil Abdul Ghani, Ahmed Abu Agla, Jamel Eltahir and Wajdi Salih. The defense Chair, Siddiq Kadoda, was not present. The primary SAF investigator, Major General Abdelraheem Ahmed Abdelraheem, was also present.

¶3. (U) The prosecution began its cross examination of the defense witness, Captain Mohamed Abdelgadir, a retired weapons expert in the SAF. Abdelgadir mentioned three reasons why the weapons presented as evidence are not, in his opinion, the ones used in the killing of Messrs. Granville and Abbas. He said that the marks on the barrel of the weapon, the burning of the bullet in the weapon and the marks left on the shell casings do not match those used in the killing.

¶4. (U) The prosecution asked Abdelgadir how experts compare shell casings with other casings. He explained that the firing pin, the ejector and the combustion in the chamber of the weapon cause markings on each round that is fired. The Prosecution asked about the "fingerprints" put on casings and how he determined this. Abdelgadir said that the effect of the barrel will put certain characteristics on the casing. He also discussed the ejector and how it puts marks on the shell casing.

¶5. (U) The prosecution asked the witness how he determined the trajectory of the rounds. He stated that he used a laser as well as mathematics to determine the angles. The prosecution wanted to know if only a rope or laser could be used to find the angles. He said no, that mathematics would also be needed.

¶6. (U) The prosecution asked him if it was possible to determine whether a specific weapon was used by examining the markings left on the casings. At first he stated that it was impossible to know which weapon fired a specific casing. His testimony was inconsistent. Later in the cross examination, he admitted that the markings left on the casings can be matched to the barrel of a specific weapon.

¶ 7. (U) The prosecution inquired about the casings that were found at the crime scene and which weapon fired them. He said that in his opinion the shell casings did not come from a pistol because the shot groupings were too tight. Instead, he stated he believed that one automatic weapon was used for the shooting.

¶ 8. (U) The prosecution asked if the weapon was fired from inside the car. Abdelgadir said that it was. He agreed with the initial investigation report that the trajectory and distance were correct. The prosecution asked where the casings would fall if they were ejected from a Kalashnikov automatic machine gun, and the barrel of the weapon was outside the car window. Abdelgadir stated that the casings would fall inside the car.

¶ 9. (U) Granville Attorney Taha discussed questions about the report from the crime scene investigator and the location of the casings in relation to the accident scene. Taha asked Abdelgadir a hypothetical question: "if the shooting happened from a short distance, would the ejector push the casings out on the right side?" Abdelgadir said yes. However, he added that all the casings were found on the opposite side. The prosecution asked if someone were to step on the casings, would this change them. Abdelgadir said that it could depending on the weight of the person. There was then a discussion concerning the mathematical computations used to determine the angle of the shooting. The judge raised questions about Abdelgadir's calculations.

¶ 10. (U) Abbas Attorney Abu Sugra asked Abdelgadir what type of training he had received regarding crime scene investigation. He stated that he had not been formally educated in this field, but had a lot of experience with investigating airplane crashes, car accidents and shootings.

¶ 11. (U) On an unrelated theme, the prosecution showed the court the results of the handwriting expert analysis that was done on the dining facility receipts as discussed during the February 24th trial session. The expert concluded that defense witness Yassir Elhaj Alhal's signature was on the receipts. He had originally claimed that he was in Khartoum with a friend (one of the defendants) during the shootings. However, his signature identified on the dining facility receipts supports the prosecution's assertion that he was in the field on January 1st. The prosecution asked the judge to open a separate case against Eltagi for perjury. The defense objected, and asked if the manifest for the flight going to Khartoum on the days in question had been checked.

¶ 12. (U) The next trial date is scheduled for May 21, 2009, when the judge will bring in a third weapons expert for questioning. The judge also set the schedule for submission of final pleadings. Taha Ibrahim will submit on May 25, followed by Ismael Abu Sugra and the public prosecutors on May 27. The defendants will present their final pleadings on June 4 at which time the judge will schedule a date for announcement of the verdict.

ASQUINO